

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77525253
LAW OFFICE ASSIGNED	LAW OFFICE 115
MARK SECTION (no change)	
EVIDENCE SECTION	
DESCRIPTION OF EVIDENCE FILE	<p>This Request for Reconsideration is submitted in response to the Office Action dated May 9, 2009, whereby the Examining Attorney maintained her refusal of Applicant's Mark under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). The Examining Attorney has continued her refusal to register the mark PRESS PLAY PRODUCTIONS ("Applicant's Mark") in International Class 41 for "production of films; production of television programs". Registration of Applicant's Mark has been refused and made final on the grounds that it is likely to be confused with the mark PUSHPLAY PRODUCTIONS, U.S. Registration No. 3,294,142 for "motion picture film production" (the "Cited Mark"). In the Office Action received by Applicant, the Examining Attorney specified that the following factors weighed in favor of determining a likelihood of confusion between the Applicant's Mark and the Cited Mark: similarity of the marks, similarity of the services, and because the terms "Press" and "Push" have the same meaning. In addition to Applicant's arguments set forth in response to the first Office Action, Applicant respectfully requests that the Examining Attorney reconsider and withdraw her refusal to register Applicant's Mark, as there is no likelihood that there would be confusion between the two marks. Applicant respectfully reiterates the arguments set forth in the Response to the Office Action filed on April 24, 2009 and requests that the Examining Attorney reconsider her refusal to register Applicant's Mark and pass Applicant's Mark on to Publication.</p>
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Monique L. Ribando/

SIGNATORY'S NAME	Monique L. Ribando
SIGNATORY'S POSITION	Attorney of Record, NYS bar member
DATE SIGNED	11/09/2009
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	NO
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Nov 09 17:20:26 EST 2009
TEAS STAMP	USPTO/RFR-38.119.132.254- 20091109172026958078-7752 5253-460cf7b5761a9d995d59 9b7914b1df4efbf-N/A-N/A-2 0091109152324376309

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Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **77525253** has been amended as follows:

EVIDENCE

Evidence in the nature of This Request for Reconsideration is submitted in response to the Office Action dated May 9, 2009, whereby the Examining Attorney maintained her refusal of Applicant's Mark under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). The Examining Attorney has continued her refusal to register the mark PRESS PLAY PRODUCTIONS ("Applicant's Mark") in International Class 41 for "production of films; production of television programs". Registration of Applicant's Mark has been refused and made final on the grounds that it is likely to be confused with the mark PUSHPLAY PRODUCTIONS, U.S. Registration No. 3,294,142 for "motion picture film production" (the "Cited Mark"). In the Office Action received by Applicant, the Examining Attorney specified that the following factors weighed in favor of determining a likelihood of confusion between the Applicant's Mark and the Cited Mark: similarity of the marks, similarity of the services, and because the terms "Press" and "Push" have the same meaning. In addition to Applicant's arguments set forth in response to the first Office Action, Applicant respectfully requests that the Examining Attorney reconsider and withdraw her refusal to register Applicant's Mark, as there is no likelihood that there would be confusion between the two marks. Applicant respectfully reiterates the arguments set forth in the Response to the Office Action filed on April 24, 2009 and requests that the Examining Attorney reconsider her refusal to register Applicant's Mark and pass Applicant's Mark on to Publication. has been attached.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /Monique L. Ribando/ Date: 11/09/2009

Signatory's Name: Monique L. Ribando

Signatory's Position: Attorney of Record, NYS bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77525253

Internet Transmission Date: Mon Nov 09 17:20:26 EST 2009

TEAS Stamp: USPTO/RFR-38.119.132.254-200911091720269

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